

REMARKS

This is in response to the Official Action mailed April 9, 2007.

Japanese Patent application JP 08 225283 (JP283) and US 948815 (Ehrlich) are cited in the outstanding Action for reasons discussed below.

Paragraphs 1-3 of the Office Action refer to formality objections and the description, Abstract, claims 7, 8 and 17 and the numbering of the claims have been amended as requested in the Office Action.

Claims 1-5, 15 and 16 are rejected as anticipated under 35 U.S.C. 102(b) in the light of JP283.

Applicant submits that JP283 discloses an oil pan cleaning device for a passenger conveyor which is arranged to be attached to an underside of an escalator, by removing a footstep, to move along an oil pan below the escalator to collect debris adhering to an upper face of the oil pan. The cleaning device includes a scraper for scraping the oil pan surface, a rotatable brush for removing debris from the scraper and an integral dust settling chamber within the movable cleaning device for receiving debris removed from the scraper by the rotatable brush and thrusting the debris into a disposable permeable dust collection bag within the cleaning device.

In paragraph 6 of the Office Action, it is asserted that all of the features of claim 1 are disclosed in JP283 and thus anticipated. It appears that the oil pan of JP283 has been considered to be the exact equivalent of the collection tray of claim 1. It is noted that further elements are also considered to be equivalent such that the cleaning device 6 which moves along the oil pan to remove dust from the oil pan in JP283 with the fire-resistant collection reservoir of claim 1 and the wheel 4 of a step; the axle 7 of the wheel 4 to which the cleaning device is attached and the metal scraper 9 of JP283 with the means for moving particulate material from the collection tray into the fire resistant collection reservoir as claimed in claim 1.

After careful review and consideration of this reference and the rejection, it is noted that in JB283 dust is moved into a settling chamber 12 by a rotating brush 11 (JB283 [0013] and collected in a disposable dust collection receptacle (JB283 [0006]). In view of these distinctions, it is submitted that there is no hint or suggestion in JB283 of a fire resistant collection reservoir, as claimed in claim 1.

Moreover, more clearly to define the invention, claim 1 has been amended to read:

1. An apparatus for collecting particulate material comprising a collection tray, a fire resistant collection reservoir located beneath one end of said collection tray, and moving means for reciprocating movement with respect to the collection tray and the fire resistant collection reservoir for moving particulate material from said collection tray into said fire resistant collection reservoir.

We submit that amended claim 1 is clearly distinguished from the disclosure of JB283 in that there is no suggestion in JB283 of a fire-resistant collection reservoir, a collection reservoir located beneath one end of the collection tray, or moving means for reciprocating movement with respect to the collection tray and the fire resistant collection reservoir for moving particulate material from said collection tray into said fire resistant collection reservoir.

In view of these amendments and distinctions, claim 1 is believed to recite patentable subject matter in view of the aforementioned rejections. As the remaining claims are all dependent on amended claim 1, they too are then deemed allowable. Applicant further responds to the balance of objections raised with respect of the dependent claims.

In paragraph 7 of the Office Action, the lid of claim 2, which opens for receiving particulate material into the fire resistant collection reservoir and closes to make the reservoir fire resistant, is equated to the flap 20 of JB283 for removing the disposable receptacle 15 from the cleaning device 6 (JB283 [0023]). Claim 2 has been amended to clarify this distinction.

In paragraph 8 of the Office Action, the settling chamber 12 of JB283 with the removable collection unit of claim 3 appears to be equating the disposable receptacle 15 removable from the cleaning device 6, since there is no suggestion that the settling chamber 12 is removable. As

submitted above, there appears to be no disclosure that the cleaning device is fire resistant as required by claim 3, dependent on claim 1.

In paragraph 9 of the Office Action referring to claim 4 and Figure 1 of JB283 stating that in JB283 the cleaning device 6 (which is in paragraph 6 of the Action with the claimed fire resistant collection reservoir of the present invention) located beneath one end of the oil pan is asserted to be equated with the collection tray of Applicant's instantly claimed invention. In JB283, the cleaning device is disclosed in moving over the surface of the oil pan, this rejection is believed to be overcome and made moot as this feature is now included in amended claim 1 with claim 4 having been cancelled.

Referring to the rejection of claim 5 in paragraph 10, it is submitted that there is no disclosure in JB283 of the reciprocation as set forth in claim 5. In JB283 the cleaning device appears to be driven from the top of the escalator to the bottom, along the oil pan, without any suggestion of the reciprocation feature as claimed by Applicant. It appears instead that the cleaning device of JB283 required detachment from the escalator and then it is carried back to the top of the escalator to be re-used.

In paragraph 11, equates the means for limiting the range of motion of the moving means with the guide rails 5 of JB283 which guide the front wheel 4 of a footstep 2 (JB283 [0008]). Claim 15, as amended, clarify that it is the motion of the moving means along the tray in the reciprocating direction which is limited to overcome this rejection.

Paragraph 12 asserts that the cleaning device of JB283 is also capable of being controlled by the timer means as claimed in present claim 16. The distinction between JB283 and claim 16 has been made clearer by amendment claiming the timer means in combination with the other features of the apparatus of claim 16.

Paragraph 15 states claims 6-14 are objected to as being dependent from a rejected base claim, but otherwise contain allowable subject matter if any one of these claims are combined with the base claim, claim 1. New claim 20 is a combination of current claims 1, 5 and 6 it is therefore submitted this new claim is also allowable.

With respect to the method claims, the Ehrlich reference disclosing a mail box with a removable container is cited.

In paragraphs 13 and 14, the mail collected in the mailbox of the Ehrlich reference is stated to be the equivalent to the particulate material of claim 17 in that a mail chute anticipates a collection tray and that gravity is equivalent to providing a means of moving particulate material, etc. A definition of “particulate” from Webster’s Third International Dictionary, 1976 (copy attached): “particulate *adj.* 1: existing in the form of minute separate particles 2: of or relating to distinct particles” It is submitted that in no way can or should mail collected in a mail box be described as “particulate matter,” and equated to Applicant’s distinctly claimed invention to raise much less support such a rejection. Claim 17 has been amended to read:

17. A method of collecting particulate material including the steps of:
- a) providing a collection tray into which said particulate material is deposited,
 - b) arranging a fire-resistant collection reservoir beneath one end of said collection tray; and
 - c) reciprocatingly moving means with respect to the collection tray and the collection reservoir to move said particulate material from the collection tray into said fire-resistant collection reservoir.

It is submitted that there is no hint or suggestion in the Ehrlich reference of “a reciprocating moving means with respect to the collection tray and the collection reservoir to move said particulate material from the collection tray into said collection reservoir” as Applicant has claimed. Therefore, claim 17 is submitted to be clear of this rejection.

As with the apparatus claims, the opening and closing of a lid is now claimed in a new dependent claim, claim 18.

New claim 21 comprises a combination of former claims 17 and 18 which were individually deemed allowable in the outstanding Office Action.

CONCLUSION

In view of the amendments and arguments provided herein, it is respectfully submitted that patentable subject matter is set forth and recited in Applicant's claims.

Accordingly, an early Notice of Allowance of this application is earnestly requested. If the Examiner should have any further issues impeding the allowance of this application, the undersigned respectfully requests to be advised of the same via telephone.

Respectfully submitted,

By 

Robert W. Diehl
PTO Reg. No. 35,118
Seyfarth Shaw LLP
Attorneys for Assignee
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577
312-460-5000
312-460-7000 (fax)

ing, affecting, or belonging to a part rather than the whole of something: partial in extent; not universal (the three years drought... was but ~ and left people alive—Francis Bacon) 3: of, relating to, or concerned with the separate parts of a whole; esp.: describing or setting forth the details of something: MINUTE, PRECISE (a ~ account of the day's events) 4 a *archaic*: of, relating to, or concerning a single person, class, or thing: PERSONAL, PRIVATE (these domestic and ~ broils are not the question—Shak.) b *obs*: not occupying public office: PRIVATE 5 a: distinctive among others of the same kind: out of the ordinary: markedly unusual: worthy of notice (the... selection was the ~ gem of the evening—Douglas Watt) (an attack of ~ severity—N.Y. Times) (a rather ~ problem because of the immense size of the timbers—London Calling) b *obs*: noteworthy as being peculiar, singular, or eccentric 6: constituting a unit among a number: having a separate status: considered alone: INDIVIDUAL, SEPARATE (each ~ hair to stand an end, like quills—Shak.) (provoked by ~ events in his life—T.S. Eliot) 7 a: having the character of a particular in logic (all concrete individuals are ~ and all universal individuals are abstract—Nelson Goodman) b: affirming or denying a predicate to some part of the subject—used of a proposition in logic; opposed to *universal* ("some men are wise" is a ~ affirmative) 8 a *archaic*: markedly or esp. attentive to a person: familiar in manner or behavior (never suffer this fellow to be ~ with you—Henry Fielding) b: close or intimate in personal relationship (my very ~ friend—Charles Dickens) 9 a: concerned with or attentive to details: CAREFUL, EXACT, PRECISE, SCRUPULOUS (is very ~ about her housekeeping) b: nice in taste: FASTIDIOUS c: EXACTING: hard to please: FINICKY, FUSKY (these bacilli are not ~ in their habitats—Justina Hill) (never lost patience with even the most ~ customers) *syn* see CIRCUMSTANTIAL, NICE, SINGLE, SPECIAL

particular \ˈpɑːrtɪˈkʊlər\ *n* 1 *archaic*: a separate part of a whole: a constituent element, section, or division of something (let us divide the discourse into four ~s—Robert Johnson) 2 a: an individual fact, point, circumstance, or detail (their dissimilarity in every ~ except shape and size—Scott Fitzgerald) (determined that history shall not repeat itself in that melancholy ~—Dean Acheson) b: a specific item of information: a factual detail (as of news, specifications, accounts)—*usu.* used in pl. (everybody was stirred by the news and wanted to know the ~s—H.E. Scudder) (genealogical ~s and biographical details are given—Brit. Book News); see BILL OF PARTICULARS 3 a (1): an individual specific separate thing, instance, or case as distinguished from a whole class (a discussion that attempts to generalize from ~s—Harvey Breit) (from moral generalities to business ~s—G.B. Shaw) (2): an individual or a specific subclass in logic falling under some general concept or term: something that can be the subject of an atomic proposition b: a particular proposition in logic 4 a *archaic*: an individual or personal case, business, or interest: special concern or condition (return from the common cause to what concerns our ~—William Warburton) b *obs*: personal profit or advantage: private interest (if the gentleman had kept all the allowance for his own ~—Edward Nicholas) 5 a: an individual item or article (a few letters and ~s in the possession of the present writer—Richard Garnett [1906]) b *obs*: an individual person; esp.: one in private as distinguished from public life (it is the greatest interest of ~s to advance the good of the community—Roger L'Estrange) 6: a statement setting forth the details of a matter (a ~ of premises) (I send you the descriptive ~—Frederick North) 7: something constituting a special distinguishing characteristic or feature (as of a place)—*see* LONDON PARTICULAR *syn* see ITEM—in particular *adv* 1 *obs*: one by one: in detail: INDIVIDUALLY (now ye are the body of Christ, and members in particular—1 Cor 12:27 (AV)) 2: as one specific case distinguished from a group, general category, or all cases: in distinction from others: SPECIFICALLY (her belief in the theatre in general and her new play in particular—Peter Forster) (the recovery of the Greek world, and of Plato in particular—M.R. Cohen) (the shops in particular allure the young man—S.P.B. Maïs)

particular average *n*: a partial loss in marine insurance that must be borne by the interest or goods sustaining it without benefit of contribution from other interests—*compare* GENERAL AVERAGE
particular baptist *n*, *usu* *cap* P&B: a member of a British Baptist body of the 17th to 19th centuries holding Calvinistic doctrines—*called* also *Calvinistic Baptist*; *compare* GENERAL BAPTIST
particular custom *n*: a custom prevailing in a local area (as a county, city, town) and generally subject to a determination of its legal existence by a jury on proof rather than by the court—*compare* GENERAL CUSTOM
particular estate *n*: the smaller estate (as an estate for life, *n* tail, or for years) created from an inheritance as a precedent state to a remainder
particular integral *n*: PARTICULAR SOLUTION
particularism \ˈpɑːrtɪˈkʊlərɪzəm\ *n* 1 [F *particularisme*, fr. LL *particularis* particular + *-ism* -ism] 1: exclusive or special devotion to something particular (as an interest, subject, party, sect) (bourgeois individualism... in France took the form of a family ~—Malcolm Cowley) (an intense ~ that did not welcome outside influences—Amer. Guide Series: Conn.) (the forces of ~ are dominant and academic recognition is awarded the specialist—W.W. Stewart) 2: a theological doctrine that redemption through Christ is provided only for he elect 3: a political theory or practice advocating a right and freedom for each politically conscious or organized group as a minority group in a country of several groups or a state

their complexity and ~—F.R. Leavis) c: attentiveness to detail: precise carefulness (as of description, statement, investigation) (the unimpaired ~ of the compilation—Times Lit. Supp.) (after the victim of a theft described with ~ the goods he was seeking—Wayne Morse) (the loving ~ of the essays—Douglas Bush) d: preciseness in behavior or expression: FASTIDIOUSNESS e *archaic*: attentive or familiar behavior: INTIMACY (this ~ with a young fellow is very indecent—Henry Fielding)

particularization \ˈpɑːrtɪˈkʊləraɪzən, -ˈrɪzən\ *n* 1 [F *particularisation*, fr. MF, fr. *particulariser* + *-ation*] 1: individualized description or treatment 2: limitation or application to a particular case

particularize \ˈpɑːrtɪˈkʊləraɪz\ *vb* -ED/-ING/-S [MF *particulariser* to give the particulars of, specify, fr. LL *particularis* particular + MF *-iser* -ize] *vt* 1: to make particular rather than general: apply or limit to a particular case (diocesan laws... may ~ or extend this general law in accordance with local needs—P.H. Furley) 2: to give the particulars of: describe or state in detail: treat individually: name one by one: SPECIFY (the supplemental answer... particularized the charges—A.C. Buchanan) 3: to place apart from others of the same class or group: INDIVIDUALIZE, SEPARATE (woodland and similar landed appendages were common property but pasture might be particularized—S.H. Cross) ~ *vi*: to mention or attend to particulars: go into details (as in a narrative) (even advanced American researchers in science and scholarship tend... to ~ excessively—Thomas Munro)

particularized \ˈpɑːrtɪˈkʊləraɪzd\ *adj*: made particular: as a: directed toward a specific object rather than some or all objects (critical ~ thinking as distinct from stereotyped slogan-thinking—David Bidney) (insurance companies were the next corporations on which ~ imposts were laid—M.S. Kendrick) b: differentiated from others of the same category: INDIVIDUALIZED (among the American Mongoloids, the Eskimo appear to be the most ~ subvariety—A.L. Kroeber) *syn* see CIRCUMSTANTIAL

particular lien *n*: a lien upon specific property as security for the payment of a debt or the satisfaction of some other obligation arising out of a transaction or agreement involving that property—*called* also *specific lien*; *compare* COMMON-LAW LIEN, GENERAL LIEN

particularity \ˈkʏələ(r)ɪ, -kʏələ, +k(ə)lə(r)ɪ, +k(ə)lɪ\ *adv* [ME *particulariter*, fr. *particular* particular + *-ly*] 1: in a particular manner: as a *archaic*: in the case of each one of a number: one by one: SEVERALLY, SINOLY b: in detail: in particulars: item by item: part by part (appurtenances... more ~ described—Act 5 George III) c: in the specific case of one person or thing as distinguished from others: in particular: INDIVIDUALLY, PERSONALLY, SPECIFICALLY (the provision of such facilities, ~ in rural areas—D.D. Eisenhower) (trace major population movements... for the Pueblo groups ~, for other southwestern groups incidentally—E.K. Reed) d: in a special or unusual degree: to an extent greater than in other cases or towards others: ESPECIALLY (a poison ~ toxic to canines—Monsanto Mag.) (a ~ stormy... winter voyage—C.H. Grandgent) (the final effect, ~ with modern furniture, could... have been barnlike—Betty Pepis) e *obs*: in a familiar or intimate way (with whom he was very ~ acquainted—Henry Fielding) 2: in the manner of a particular (as a term, predication, or proposition) in logic
particular partnership *n*: a partnership formed for a single transaction or enterprise as distinguished from one organized for carrying on a general business
particular solution *n*: the solution of a differential equation obtained by assigning particular values to the arbitrary constants in the general solution
particular synod *n*, *often* *cap* P&S: a governing body above a classis and below a general synod in various Reformed Churches

particular tenant *n*: a tenant holding a particular estate
particulate \ˈkʏələt, -lɪt\ *adj* [L *particula* small part, particle + *-ate* -more at PARTICLE] 1: existing in the form of minute separate particles (the transport of ~ matter by the atmosphere—Nelson Dingle) (the application of high-energy beams of... ~ radiation—Nature) 2: of or relating to distinct particles (the ~ theory of heredity—Julian Huxley) (the radioactivity in fallout is largely in ~ form—Merrill Eisenbud)
particulate \ˈkʏələt\ *n* 1: a particulate substance (designed to indicate... the presence of airborne radioactive ~s—Tracerlog) (all cytoplasmic ~s remain constant in morphology during division—Blot. Abstracts)

particulate inheritance *n*: inheritance by the progeny of characters specif. transmitted by genes in the germ cells from one parent or the other or from both in accord with Mendel's laws—*opposed* to *blending inheritance*; *compare* QUANTITATIVE INHERITANCE
particule \ˈpɑːrtɪˈkʊl, -ˈpɑːl\ *n* 1 [MF, fr. L *particula*] 1: PARTICLE—*used* esp. of *de* in French personal names
partie carrée \ˈpɑːrti, ˈtɛkʏərə, ˈpɑːrti-ˈtɛ\ *n* [F, *partie* of two men and two women, fr. *partie* party + *carrée*, fem. of *carré* square] 1: a party of four persons (as we were a *partie carrée*, you might have your rubber—A. Conan Doyle)
partied past *of* PARTY

parties *pl* of PARTY, *pres 3d sing* of PARTY
partile \ˈpɑːrtɪl\ *adj* [LL *partilis* divisible, *part*, fr. L *partire*, *partiri* to divide + *-ilis* -ile—*more* at PART] 1 *obs*: PARTIAL (a ~ not a total eclipse—John Harvey) 2: exact to the same degree and minute or to the same degree—*used* of an astrological aspect
partimen \ˈpɑːrd-əˈmɛn\ *n* 1 [Prov. lit., division, fr. *partir* to divide (fr. L *partire*, *partiri*) + *-men* -ment (fr. L *-mentum*)] 1: a lyric poem of dispute composed by Provençal troubadours

father's ~ advice—F.V.W.
3: serving to part: constituting objects: DIVIDING, SEPARATING—Charles Lyell) 4 *archaic*: process of dividing: breaking; instant is no more—William work to prevent adhesion of sand to molds (~ compo) **parting flask** *n*: a flask used **parting line** *n*: the line or foundry mold, die, or pattern **parting pulley** *n*: SPLIT PULL **parting stop** *n*: a piece of work sashes in a double-hung window **parting strip** or **parting slip**: two adjoining members in a: a thin strip of wood let into a: a thin piece insert the weights **parting tool** *n* 1: a narrow



planing or for cutting a piece (lathe work) for cutting off stock being worked on
part-pris \ˈpɑːrt, ˈprɪs\ *n*, *pl* conceived opinion: BIAS, PART without violent *part-pris* about Trevelyan) (valuable workers broad mind—Times Lit. Supp.) **partisan** or **partisan** \ˈpɑːrtɪˈzən, -ˈzən\ *n* 1 [fr. OIt *partigiano*, fr. *parte* *part* part—*more* at PART] 1 another: an adherent to a (neither by birth nor breeding—G.H. Sabine) b: a strong advocate (wrote frankly as a c: an adherent characterizing blind, or fanatical allegiance of the... ~s of fascism—An utopian ~ of democracy—R.A. body of detached light troops harassing an enemy (2): a body of light troops b: a meeting within enemy lines and incendiary, sabotage, and di in... advance of regular arm (Polish ~s had blown up t Union) 3 [AmerF *partisan* le hunting party, fr. F, member of adherent to a party or person American trappers]

partisan or **partisan** \ˈpɑːrtɪˈzən, -ˈzən\ *adj* military partisans (captain of—Amer. Guide Series: Del.) 1: obscure trick of guerrilla warfare 2: exhibiting, character partisanship (intensified ~ p—Amer. Guide Series: Va.) 3: stops at the water's edge—ceived in a purely fault-finding 3: composed of, based upon, a party or group (change the 1 partisan to a ~ body—New a greater degree of ~ control Political Quarterly)—*compare*

partisan or **partisan** \ˈpɑːrtɪˈzən, -ˈzən\ *n* 1 *giana*, *partesana*, fem. of *partig* 16th and 17th centuries having head and resembling in part b *partisanism* \ˈpɑːrtɪˈzənɪzəm\ *n* 1 *partisan-ry* \ˈpɑːrtɪˈzən-ri\ *n* 1 *partisan-ship* also *partisan-ship* or state of being a partisan: as or thing (as a cause, group, p sometimes blind and unreason or group: BIAS, ONE-SIDEDNESS violent ~ and... cool detach clearly and in due proportion, l and ~—John Galsworthy) c from or characterizing such a *partism* \ˈpɑːrtɪzəm, -ˈpɑːl\ *als* -*partism*, fr. *part* political decision), + *-ism* -more at active operation of a (specific in a governmental system (mul *part-striped* \ˈpɑːrtɪˈstɛd, -ˈpɑːl\, *pl* 1: having stripes of different c *part-ta* \ˈpɑːrtɪˈtɛd, -ˈpɑːl\, -ˈtɛ *part* of *partire* to divide, l divide ~ *more* at PART] 1 2: SUITE 2b(1)
partite \ˈpɑːrtɪt, -ˈpɑːl\ *also* [d., divided, past part. of *partire*, into a usu. specified number of four-partite military gover *partite* vaulting—T.F. Bumpus] **partition** \ˈpɑːrtɪʃən, -ˈpɑː(r)\

Webster's
Third
New International
Dictionary
OF THE ENGLISH LANGUAGE
UNABRIDGED

A Merriam-Webster
REG. U.S. PAT. OFF.

*Utilizing all the experience and resources of more than
one hundred years of Merriam-Webster dictionaries*

EDITOR IN CHIEF
PHILIP BABCOCK GOVE, Ph.D.
AND
THE MERRIAM-WEBSTER
EDITORIAL STAFF



G. & C. MERRIAM COMPANY, *Publishers*
SPRINGFIELD, MASSACHUSETTS, U.S.A.

COPYRIGHT © 1976 BY G. & C. MERRIAM CO.

PREVIOUS EDITIONS

**COPYRIGHT © 1909, 1913, 1923, 1924, 1926, 1927, 1930, 1934, 1950, 1953, 1954, 1957, 1959, 1961, 1966, 1971
BY G. & C. MERRIAM CO.**

PHILIPPINES COPYRIGHT 1976 BY G. & C. MERRIAM CO.

**PREVIOUS EDITIONS PHILIPPINES COPYRIGHT 1950, 1953, 1954, 1957, 1959, 1961, 1966, 1971
BY G. & C. MERRIAM CO.**

**PREVIOUS EDITION COPYRIGHT 1925 IN PHILIPPINE ISLANDS
BY G. & C. MERRIAM CO.**

ALL RIGHTS RESERVED

**UNDER INTERNATIONAL AND PAN-AMERICAN COPYRIGHT CONVENTIONS
BY G. & C. MERRIAM CO.**

All rights reserved. No part of this work covered by the copyrights hereon may be reproduced or copied in any form or by any means—graphic, electronic, or mechanical, including photocopying, recording, taping, or information and retrieval systems—without written permission of the publisher.

Standard Book Numbers:

0-87779-101-5 (blue Sturdite)

0-87779-103-1 (2 volumes, blue Sturdite)

0-87779-106-6 (Imperial Buckram)

COMPOSED, PRINTED, AND BOUND IN THE UNITED STATES OF AMERICA

282930RRD7776